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WASHINGTON, THURSDAY, JUNE 4, 1840.

[WHOLE No. 283.]

Reported for the Public Ledger. NAVAL GENERAL COURT MARTIAL, AT PHILADELPHIA. TRIAL OF COMMODORE ELLIOTT.

THURSDAY, May 21.—The court met pursuant to adjournment of yesterday. Present all its members, the Judge Advocate, and the accused. The minutes of the proceedings of yesterday were read by the Judge Advocate.

Lieut. Gordon, sworn.—[The charges and specifications upon which it was intended to examine the witness, were read.]

I was present at the race about the 14th of April, 1837, and saw the race run. After the horses came out, I discovered that there was a great difference of opinion as to whether the horse was distanced or not. I went in company with Lt. Chas. G. Hunter to the judges stationed at the distance line. Lieut. Hunter called one of the judges down from the wall, and asked him upon which side of the line the horse was when the mare ran out and the flag was dropped. The judge pointed to that side of the line which saved the distance. Lt. Hunter said, then the horse is not distanced; Mr. B. W. Hunter said it was as fair a distance as he had ever seen. Lt. Charles Hunter then remarked, "by G—d, it is no distance." Mr. B. W. Hunter replied, it is well, you may say so now. About this time Com. Elliott called to Lieut. Charles Hunter, and told him not to separate the gentleman from the officer. Lt. Hunter replied, "Com. Elliott, I never separate the gentleman from the officer." "You do, sir, you are doing it now," and said several times, while shaking his cane in a threatening manner, "silence, sir," and ordered him to go on board of his ship. I went with him to his horse, and I believe he went to the ship.

By the Judge Advocate.—The distance between them was from 6 to 10 feet. Com. Elliott, in shaking his cane, had his arm extended towards Lt. Hunter, grasping it nearly by the middle, the end a little inclined towards Lieut. Hunter. Com. Elliott's manner while shaking his cane was violent; he appeared to be excited.

By the accused.—I was attached to the frigate U. States, and was a messmate of Lieut. Hunter. I did not notice that several distinguished officers with Gen. Oregon, the Governor of the island, were present at the time of the altercation. I did not understand the meaning of the expression of B. W. Hunter, "you may well say so now." I do not think Com. Elliott could possibly have reached Lt. Hunter with his cane, had he extended it its full length. I do not recollect whether the American officers at the race had their uniforms on or not.

Lieut. Rhodes, sworn.—[The charges and specifications against the accused, upon which it was intended to examine the witness, were read.]

I was on the race-course near Mahon, the middle of April, 1837. I was standing near Lieut. Hunter, who was in conversation with Master Bushrod W. Hunter. I heard Lt. Hunter say to B. W. Hunter, "By G—d it is no such thing." My attention was drawn to Com. Elliott, who was sitting on a jack, about 10 or 15 feet distant, ordering Lieut. Hunter to keep silence—not to separate the officer from the gentleman. Lieut. Hunter replied, in a firm but respectful manner, "I have not separated the officer from the gentleman, and never do."

"You do, sir, and are doing it now."

"I am not, sir."

"You are, sir," at the same time shaking his cane at him in an angry and threatening manner, the commodore ordered him to his ship.

By the accused.—Lieut. Hunter was standing in the middle of the track at the time of the conversation I have related between him and B. W. Hunter. I belonged to the frigate United States, and was the messmate of Lieut. Hunter. I did not hear Bushrod Hunter's reply when Lieut. Hunter said, "by G—d, it was no such thing." Lieut. Hunter's manner is always expressive—always forcible. His tone of voice to B. W. Hunter was loud. Lieut. Hunter's manner upon the occasion was forcible, as if in argument. His manner to Com. Elliott was positive, but respectful. It was not altered when directed to Com. Elliott from what it was when addressing B. W. Hunter.

By the Judge Advocate.—I do not mean to say that in not altering his manner when addressing the commodore, from what it was when disputing with B. W. Hunter, that Lieut. Hunter was disrespectful to the commodore.

By the accused.—It is no mark of disrespect for a junior officer to twice forcibly contradict a superior, under the existing circumstances of this case.

Lieut. Jno. Colhoun, sworn.—[The charges and specifications against the accused, so far as it was proposed to examine the witness on them, were read]—I was officer of the deck when Mr. Barton was brought alongside of the Constitution; Midshipman Ringgold, who accompanied Mr. B., reported to me that he had brought him from the shore wounded; I directed him to report to first Lieut. Boerum—Lieut. B. immediately came upon deck and reported to Fleet Surgeon Boyd, who went down into the boat and examined his wound; he came up and made his report to Mr. Boerum; Mr. B. ordered me to have him taken on deck, which I did; Com. Elliott was then absent from the ship, and returned in about half an hour afterwards; I know nothing of what occurred until half an hour after, when I was ordered to send him to the Shark in one of our largest boats, which order was obeyed; he appeared to suffer great pain.

By the Judge Advocate.—First Lieut. Boerum gave me the order to remove Mr. Barton to the Shark; I saw Mr. B. after his removal to his lodgings in Smyrna, for a few minutes, once; all the directions of the manner of the removal of Mr. Barton emanated from me; Dr. Boyd, to my knowledge, or to my recollection, gave no advice as to the manner of hoisting him in or out. I saw the plate mentioned once exhibited upon the berth deck, and I afterwards saw it upon the sideboard in Com. Elliott's cabin. All that I know of Chaplain Lambert's case is, that I was in the ward-room when he received the order, after all hands had been called to get under way; I know nothing of his leaving, the time, or the state of the weather; I lent him a large chest to take his clothes in.

By the accused.—I think that Dr. Woodworth was along when Mr. Barton was sent to the Shark. I do not recollect the distance of the Shark from the Constitution at the time; she laid inside, nearer to Smyrna. I think the first or second cutter was used for the removal of Mr. B.; it would have held a dozen persons. Two midshipmen, and there may have been an assistant surgeon, accompanied him in the removal. I received the order to get out the cutter, which was stowed, from Capt. Boerum. I think it could have been taken out without the special order of the commodore, had necessity required it. I did not observe that his leg had been bandaged before coming on board the Constitution. The accommodations of Midshipman Barton on shore were as good as could have been found there. They were near the centre of the town. They were not far from the

house which the American officers were in the habit of frequenting for accommodations. Midshipman Barton was much more comfortable on shore than he could have been made on board the *Shark*. Chaplain Lambert, I think, received his orders for the *Shark* after 5 o'clock in the afternoon; it was some time after dinner; he showed them to me after dinner, and said he had that moment received them. I did not see them handed to him. The hour for dining was 3 o'clock. The *Constitution* was at anchor when Chaplain Lambert received his orders, but all hands had been called to get under way. I cannot recollect what time elapsed from the time of the chaplain's receiving his orders and the ship's getting under way. I do not know how long the boat was waiting alongside for him. I was not on deck, and know nothing whether the ship was hove to or not, to let him off. I do not recollect the length of time that elapsed after the orders were shown me, and his quitting the ship, nor do I know whether we were or were not, in the harbor of Suda. I took leave of him by bidding him good-bye, in about three quarters of an hour after he had shown me his orders. Our Minister to France, Mr. Cass, and family, were on board the *Constitution* at the time Chaplain Lambert received his orders to leave. I do not know that any other officers were ordered from the *Constitution* to, and left, the *Shark* at the same time that the chaplain left.

Passed Midshipman Daniel F. Dulany, sworn.—

[The charges and specifications against the accused upon which it was purposed to examine, were first read to him.]

I joined the *Constitution* under Com. Elliott about four months previous to her leaving the Mediterranean. We had on board at the time of leaving Mahon, twenty-two jacks and horses, all of which, I believe, with but one exception, were placed amidships on the gun deck. At Gibraltar we received an addition to these of a mare; stalls were erected between the guns on each side, seven on one side, six on the other, and one amidships. I do not know that they were erected before or after leaving Madeira. The animals, except one that died on the passage, were landed at Hampton Roads, on the 31st July, 1838, immediately upon landing, at about ten o'clock. They were landed in the first cutter and the launch.

Shortly after the boats left the ship the second time, Mr. Muse and myself went to Hampton, by permission; we found the men landing the animals; after a walk into the country, we returned at five o'clock; we saw many of the men intoxicated—several of them were in a quarrel with the tavernkeeper; I ordered them into the launch, and made them shove off to the ship; they were unaccompanied by an officer; most of the crew had gone into the country with the animals; I remained in Hampton till about sunset, when I went on board; I found the men on board riotous, many of them drunk; I went below, and shortly after, about 8 o'clock, I heard a rush on deck; some one, I believe an officer, cried out mutiny; I immediately repaired to the gun deck, taking a cutlass from the rack as I went up; I found the men assailing Thomas Ennis; the men were ordered forward—many of them refused to go, and swore that they would hang Ennis that night; I staid on the spar-deck about ten minutes; the men were cursing Lieuts. Bullus, Steele, and Midshipman Middleton; this was near 10 o'clock; there was a group of men on the starboard side, one of whom exclaimed, by G—d we will kill Lieut. Bullus; I ordered them to their hammocks; they refused to go, saying that their times were out, and that they would do as they pleased, which I reported to Mr. Bullus, who appeared greatly excited, and requested me to tell the officers to arm themselves with a pair of pistols each, which most of them did; at half past 10, Lieut. Bullus sent for me in the ward-room, and requested me to remain with him, as he thought himself in danger, which I did till

near 12 o'clock, when the ship becoming apparently quiet, I went to bed; the next morning we had orders to holy-stone the gun-deck; the men refused to do it, and many of them came down upon the berth deck, swearing very boisterously that if the ship was not taken up they would take her up themselves; about 12 o'clock a crowd of men rushed down the ladder, saying they would get the ship under way, pilot or no pilot; a part of them went to the main hatch, got up the nippers, &c., the officers of the deck at the time ordering them to desist; shortly after, about 1 o'clock, all hands were called to up anchor; we came to between the forts about 3 o'clock; many shore boats came alongside, and several of the boats were employed in setting the men on shore; many of the men refused to go aloft; I left the ship in a day or two.

By the Judge Advocate.—I was below, and did not hear Commander Boerum address the crew; the animals, I understand, were taken out of Hampton to a farm near by; a part of the crew accompanied the animals, but I do not know that they remained with them. I heard the crew, many of them, cursing Mr. Bullus and Mr. Middleton in their presence—said that they had been treated d—d rascally by all the officers—that they thought it a poor reward from Com. Elliott after what they had given him—that this is what they got for giving plate, &c. I considered that on the night after our landing, and the following morning, the ship was in the hands of the crew; they refused to obey orders, doing only what they pleased.

By the accused.—I was present when the Andalusian mare and a part of the jacks were purchased; I cannot particularly classify all the animals; I believe there was an Arabian horse, four Arabian mares, 8 jacks, and 4 jennies, with the same number of colts; I had frequent conversations with the commodore as to his object in bringing home these animals, and at his request wrote home to my friends in Virginia, informing them that the commodore was bringing over some fine ones; it was thought that one would be of advantage to my part of Virginia; I, of my own accord, took care of these animals while at Mahon; the guns could have been run in, but I do not recollect to have seen them run in during the passage; the stalls were not so constructed as to prevent the guns being run in very easily; the ship I considered in good discipline until we arrived in the Roads; no disorder occurred in the ship until after the men returned from the shore intoxicated; I think that I saw forty men drunk that night; I was not well enough acquainted with them to say that they were or were not principally of those whose times had expired; several threatened the life of Lt. Bullus, some of whom were drunk, others excited with rage; the enmity of the men to Ennis was in consequence of his having previously stabbed a white man—one of the crew; Lieut. Bullus informed me that he had repeatedly reported the case—I presume to Commander Boerum; he said he was anxious to order out the marine guard, but that he was not permitted to do so; I did not know that the wind had suddenly shifted at the time the men evinced their eagerness to get the ship under way; it was understood that we would get under way as soon as the tide served; Commander Boerum, during all the time that I was on board, received reports and was commander of the ship; Com. Elliott did not receive reports nor witness punishment as commander of the ship; Com. Elliott's daughter came on board while we were on our way up, immediately before anchoring; the noise was gradually subsiding, when, at 12 o'clock, I retired to bed on the night of the 31st; I retired from the ward room, and was not up till day-light; I had charge of the berth deck, spirit room, and hold; I came home on board of a vessel of war, the *Vandalia*, in which there were two goats, bought about seven months since.

FRIDAY, May 22.—The Court met at ten o'clock pursuant to adjournment of yesterday. Present all its members, the Judge Advocate and Commodore Elliott. The proceedings of yesterday were read.

Some exception was taken to the course pursued by the Judge Advocate, by the counsel of the accused, to the effect that in asking questions of the witnesses called, he assumed the character of a public prosecutor. The Court was ordered to be cleared, when after half an hour's deliberation, it again opened, and gave an opinion, as far as we understood it, adverse to the exceptions taken by the accused.

Dr. Woodworth, sworn.—[The charges and specifications against the accused were first read to the witness.]

I was present at the meeting between Mr. Wood and Mr. Barton, which occurred in the latter part of the autumn of 1835. I saw the wound when it first occurred; it was a gunshot wound, fracturing the tibia, causing a compound fracture; the ball entered about three inches below the knee joint; the bone was very much shattered; I then applied temporary dressings, and with the assistance of some of the crew of the Shark's launch he was carried to the boat; previously I gave him an opiate; he complained very much of pain; I was assisted by the crew composing the Shark's launch, in carrying him to the boat; the time occupied in the removal may have been five minutes; on reaching the water, near which was a house, I proposed to take him to the house and again examine the wound, for the purpose of removing the ball; he refused, and insisted upon going to the Constitution; he was then placed in the bottom of the boat, and we sailed off to the Constitution. Lieut. Boerum and Dr. Boyd came to the gangway; Dr. B. inquired the nature of the wound; I reported it from the boat, when a cot was lowered for the purpose of hoisting him on board. This occasioned some detention, during which Mr. B. complained very much of the pain of his wound. I assisted in placing him in the cot, and he was then hoisted on board, passed down the main hatch, and carried to the starboard side of the gun deck; his clothes were removed and his wound again examined. Dr. B. removed the ball by a counter opening; splints and bandages were applied to the leg. The commodore then arrived; very shortly afterwards Mr. B. was ordered to leave the ship; he protested against it, and requested the doctor to interest the commodore's sympathies in his behalf; the reply was that he must leave the ship, which he did in about two hours. He was lowered into one of the quarter boats on his cot, and I, by order, accompanied him to the Shark. The same process was gone through with in taking him on board the Shark, and taken to the steerage. His symptoms were much aggravated by these removals; he complained of great pain, and was delirious. I did not see him again till his removal on shore, at his lodgings in Smyrna. He was attended by Drs. Boyd and Egbert; his room was a very comfortable one; I saw him the day previous to our sailing, at which time he was laboring under symptoms of scarlet fever; the wound was doing as well as could be expected; he was left in charge of a physician resident in Smyrna.

By the Judge Advocate.—Mr. Barton received his wound opposite the town of Smyrna, on the other side of the bay. I consulted with Drs. Boyd and Godon upon the subject of the removal, and we were all of the opinion that it would be accompanied with great danger. I went into the steerage of the Shark at the time Mr. Barton was lowered into it; I do not know its size nor the number of officers who lived in it.

By the accused.—I was apprised that a hostile meeting was to take place between Messrs. Wood and Barton the evening previous to its occurrence, by Midshipman Ringgold; I had no understanding previously with Mr. Barton, that should he be wounded he should be taken to the Constitution in preference

to the town of Smyrna or the Shark; what number of the Shark's men witnessed the duel I cannot say; there were some hid in the bushes; there might have been as many as eight or ten; there were many other spectators, strangers; the only officers present were the friends of the parties concerned in the duel; there might have been twenty of these strangers, spectators, present, but they were engaged in their occupations, and whether it attracted their attention I cannot say; they were in sight and might have seen; they were working in the fields. I dressed and bandaged Midshipman Barton's wound on the field. I administered to him some cordial stimulant; what, or how much, I cannot say. We took him to the Constitution solely for the reason that he insisted upon going there; the distance from the Constitution to the Shark was not great, not more than one or two hundred yards; the wind was blowing very fresh, and we were going swiftly but not very steadily through the water. I think it would have occupied twenty minutes to have reached the Shark from the time that we left the shore; we could have reached the Shark in two or three minutes after passing the Constitution. About one hour elapsed from the time of the receipt of the wound to the extraction of the ball. The wound was carefully splintered and bandaged by Dr. Godon and myself; it became necessary, in consequence of the inflammation of the limb, to remove the bandage, but I do not know at what time; I think, however, that it was while he was on board the Shark. Inflammation, to a certain extent, was to be expected from such a wound, under any kind of treatment; I do not know that the bandaging by Dr. Boyd was so imperfect as to permit the blood to flow openly through it; if there was a flow of blood it was not the consequence of imperfect bandaging; the hemorrhage was very slight; there was no artery wounded, and I did not discover the blood flowing freely through the bandage.

I did not see the limb during the removal, it was covered by the clothes of the cot. I saw the bandaged limb on board the Shark; there were marks of blood upon it, but not enough to occasion any alarm. The expression of "the blood gushing madly through the bandages," is figurative, and to one unaccustomed to the sight of blood, might have so appeared. All the effects of the wound were not developed in the system at the time of removal from the Constitution—others were to be anticipated in the course of time. I think the removal probably had a tendency to aggravate the after symptoms; there was probably increased inflammation, both in extent and intensity. The inflammation continued as long as we remained at Smyrna. I cannot answer of my own personal knowledge whether the removal of Mr. Barton from the Shark to the shore had a tendency to increase inflammation. I do not recollect the time that intervened before his latter removal. I cannot answer specifically whether the increased inflammation was owing to the removal from the Constitution, or the removal from the Shark, or whether it was equally attributable to both removals. The bandages were removed before leaving the Shark, in consequence of inflammation, but whether it was immediately previous to removal, I cannot say. Com. Elliott arrived on board ship within a half to an hour after extracting the ball. Midshipman Barton was hoisted out of the Constitution after the commodore came on board, in the same cot and in the same [way] that he was taken on board before the commodore came on board. I do not know the length of time that elapsed after he went on board the Shark till his removal to the shore. The mere motion of the ship while lying at anchor, would not affect the wounded limb, if proper means were taken to prevent it. The steerage of the Shark would accommodate four cots. The quarters of Midshipman Barton on shore were comfortable, and better than any he could have on board the Shark. At the time of the duel there were a French, an Austrian, an English, and I believe a Russian vessel lying at Smyr-

na. I had but a slight acquaintance with Mr. Osfley, the then American consul at Smyrna; I know very little of his character for kindness and hospitality among his countrymen. I know nothing of the provision made for the support of Mr. Barton, by the purser. I know nothing subsisting between the purser and Mr. Barton, leaving it to be inferred that the purser would intentionally make informal arrangements.

Midshipman Adam Hubley Jenkins, sworn.—[The charges and specifications against the accused, upon which it was purposed to examine the witness, were read.]

I had been on shore, and returned to the ship about the time that Mr. Barton was being hoisted up the main hatch and down into the boat. I think Mr. Lewis was officer of the boat. I did not see him again until I saw him in a room in Smyrna. The doctor was attending him then.

By the Judge Advocate.—To the best of my recollection it was two or three days before the ship's sailing that I saw him; he was then in low spirits and suffering much pain. I know nothing of the plate except having seen it in the commodore's cabin.

By the Judge Advocate.—Mr. Maffit was the aid of the commodore in the spring of 1837.

I recollect the horses at the Lazaretto; the commodore's boat crew were generally employed there, and some others, whom I do not recollect. I brought most of them on board the day previous to our sailing in the launch; the cutters I believe were also employed; they were all got on board that evening. The stalls were at that time erected amidship; between Mahon and Gibraltar they were placed between the guns, as well amidship as on both sides. They thus continued until we reached Hampton, except one which died on the passage. We dropped anchor at Hampton 31st July, where the animals were all landed. Between 10 and 11 o'clock we came to anchor; I was forward at the time, and heard some of the crew there say, that agreeably to Com. Elliott's promise, they intended to ask permission to leave the ship; that they had been promised they might do so immediately on dropping anchor in the United States. They then all mustered aft. I went on shore at Hampton about 3 o'clock; I there saw the crew landing the animals. In the evening I returned on board and saw some of the boats' crew were drunk. I saw two men fighting, whom I endeavored to separate, and they did, after giving the order, stop. I looked aft and saw about a dozen men on the larboard side, drunk, fighting, and making a great noise. Half an hour after this, while on the gun deck, heard a rush in the steerage, and some officers running to the assistance of the master at arms. When I got down he was in the steerage; his eye black and face bloody. I then went on the spar deck, and was about putting the men who had beaten the master at arms in irons. All the men obeyed but one—he told the captain the irons were too small and would not go on his hands; the order was repeated two or three times, but he still refused and ran forward and attempted to go up the rigging. Com. Elliott ordered him down, when he obeyed and had the irons on. All hands were piped to stand by their hammocks; it was by this time dark. The crew came up and made a rush at the "brig," and rescued the three men ironed. Com. Elliott then went forward, spoke to the crew and ordered them to take the men that had been released aft. There was a great noise, but they did not come aft. Com. Elliott came aft and took a seat. The noise still continued, until the commodore sent me on shore with orders for the pilot-boat to come off. I waited there near two hours; the pilot boat came off about 1 or 2 o'clock at night; all was then quiet. The next morning the crew was still dissatisfied; some of them threatened to get the ship under way; one of the men ran aft and struck a boy. Capt. Boerum told him if he came on the quar-

ter deck again he would shoot him down. We then went up to Norfolk.

By the Judge Advocate.—I do not recollect the number, but most of the boat's crew were drunk at Hampton, that I saw on shore. I have forgotten the place the animals were taken to—it was a short distance in the country. Some of the men attached to the vessel led them. I think I visited the place they were taken to. I rode out on one of the commodore's animals. I saw the men beating Thomas Ennis; he begged for help, and was taken aft on the quarter deck. I heard threats made by the crew against Lt. Bullus and Mr. Whitaker; some of them said they would "hamstring" Mr. Bullus, and would take the life of Mr. Whitaker; that they would "tar and feather" them, &c. I heard the men threaten to get the ship under way, on the evening of the 31st. The next morning they did get the nippers up, &c.; whether voluntarily, or by order, I don't know.

By the accused.—I have been a midshipman of the navy since November, 1834. I was among the youngest of the midshipmen in age on board the Constitution. I was 17 years of age at the time of the duel between Mr. Wood and Mr. Barton. I did not hear of the duel previous to its taking place. I do not recollect to have seen Purser Fauntleroy with Mr. Barton, while at Smyrna, wounded. Mr. Barton was attended by Dr. Egbert—was frequently visited by the officers, and his quarters were comfortable though small. Consul Osfley stood in good estimation among the officers generally. I was on deck in the harbor of Suda, where Chaplain Lambert left the Constitution. I don't recollect whether she was hoisted to or not. I think we were inside, near the entrance to the forts. The Shark was at the time in sight. We had a schoolmaster on board; Mr. Lambert did not instruct either the midshipmen or the boys of the crew. I did not see the men drinking at a grogshop. I saw them drinking at the boat. I do not know what officer had left them at the boat. I do not know that all the men returned to the ship that night; most of those who did return were drunk. Many of the crew said their time was up. The man ironed by Com. Elliott was drunk. I do not recollect that Lieut. Drayton was sent for the pilot-boat before I went, nor do I recollect what it was wanted for. The men who threatened Lieut. Bullus were drunk. I made no report when the men threatened to get the ship under way. The threats and violence of the men were at no time calculated to alarm me. I do not recollect that the signal for the pilot-boat was flying all the evening.

SATURDAY, May 23.—The court met pursuant to adjournment. Present as before. The proceedings of yesterday were read.

Dr. Daniel C. McLeod, sworn.—[That part of the charges and specifications against the accused, upon which it was intended to examine the witness, was read.]

We arrived in Hampton Roads and landed the animals the 31st July, 1838. In the afternoon many of the crew were intoxicated, riotous, and abusive—threatening the officers and men. In the evening of the same day, when great confusion prevailed on the ship, some prisoners were liberated by the crew. One of those thus liberated was hailed by Com. Elliott, running up the rigging, and ordered aft. I do not know that the commodore threatened to shoot him if he did not come down; he however came down and was taken prisoner. The master-at-arms was wounded, which wound I dressed. The master-at-arms was confined in the cock-pit during the night. I heard several of the officers complain that proper measures were not taken to enforce subordination among the crew. I do not know the distance between the Constitution and the Shark. She was in sight when Chaplain Lambert left. The Constitution was under way at the time.

By the accused.—I do not remember that it was or was not daylight when the chaplain left. I do not remember to have seen the Shark myself when he left; I presume she was in sight. The ship, I think, was not within the forts at the time—I did not look at them. My reason for saying she was within the forts is, because the entrance of the harbor is narrow and the sea open before us. I do not remember the width of the harbor. I do not know who was in command of the deck at the time of the chaplain's leaving. He received his orders after dinner, at 3 or 4 o'clock, though I am not certain; I was not by when he received them. I do not remember that the ship was hove to, in order that he might leave her side. The American Minister was on deck at the time of the chaplain's leaving—his family was not. I took leave of the chaplain at the gangway. I do not know who or how many accompanied him to the Shark, nor what baggage he took with him. I did not hear him object to being ordered to the Shark, but I did hear him object to the manner of his going—that he had to go in the lieutenant's gig. I do not know that he made these objections known to either Capt. Boerum or Com. Elliott; they were not made known to them by me. The same boat had passed from the Constitution to the Shark several times during the day. I believe she took away Lieut. Commandant Pearson. The exact time of weighing anchor and getting under way after dinner, I do not recollect. I had learned, previous to weighing anchor, that the chaplain had received his orders. I do not know how long the boat waited for the chaplain. I think the animals did not affect the health of the crew. The men complained that their comfort was affected by them. I do not remember their names; they were those who were on the sick list—none other. I never reported these complaints. I do not remember the number sick at any one time during the voyage home. It is not usual for the men to sleep in the sick bay on board of a frigate, unless they are confined to their cots. The sick bay is below the deck upon which the animals were kept, and far forward. Such of the sick only complained as were not confined to their cots. Three or four of the unconfined sick complained that they were deprived of their accustomed place of sleep by the animals. These three or four were never so sick as to be confined to their cots, nor do I remember how long they remained on the sick list.

The disturbances at Hampton Roads were attributable to the intoxication of the men; to their getting liquor on shore. I do not know that the quarrels were confined to the drunken men. I have previously stated that the disturbances were owing to the men's becoming intoxicated and settling their quarrels among themselves. I saw no disposition with the men to resist the authorities of the ship, further than disobedience of orders. I think all was quiet on board the ship at 10 or 11 o'clock.

Lieut. Benj. James Totten, sworn.—[The charges and specifications against the accused, so far as the witness was conversant with them, were read.]

In reference to the infliction of punishment, all I know is, that at Mahon I had charge of the hospital, when it was represented to me that the steward of hospital had been beaten by a portion of the crew of the Shark and United States. I reported the case to Com. Elliott. He ordered me to go to the captains of the Shark and the United States, and order them to give the men charged two dozen each and discharge them instantly. I remember to have given the order to one of the captains.

By the Judge Advocate.—I had a verbal order from the commodore some time before he gave me the written order to take charge of the hospital. I took charge on receiving the verbal order. The date of the written order was April 14, 1837. I was in command a week or ten days previous to this. I do not remember how long after I had taken command it was that I gave the order from the commodore for

the punishment of the men—perhaps a week or ten days.

I was 1st lieutenant of the Shark at Smyrna. Mr. Barton had the watch on deck. I went on deck—found Mr. Bacon on deck. I inquired for Mr. Barton—he said he had gone in the launch. The same day Mr. Barton was brought on board from the Constitution, wounded. He was hoisted on board and put down the steerage hatch. He was afterwards, in about a week, taken on shore.

By the Judge Advocate.—The steerage was about 10 by 14 feet, in which there were six officers. I was called upon by Lieut. Commandant Ridgeway, to report in writing on this subject. [A copy of the report was here shown the witness, verified as a correct copy, and read. It was in substance a certificate that Midshipman Barton had been guilty of no breach of discipline in leaving the Shark to meet Midshipman Wood.]

By the accused.—In reference to a breach of discipline, I only mean to say what my letter states, that I had no knowledge of a breach of discipline at the time. The pretended duty that Mr. Barton left his watch to perform, was not performed that day by Mr. Barton. He was wounded before the launch returned. Mr. Barton was notified by me, on an order from the commodore, not to leave the Shark to go on shore at liberty. I do not know that the quarrel between Mr. Wood and Mr. Barton originated on board the Shark, nor that it arose from conduct of Barton towards Midshipman Robinson. He was put down the hatch the most comfortable way that his wound would allow. The steward of the hospital had a wound in the head, with which he was confined about a fortnight. The cook of the hospital informed me of the beating on shore of the steward. The steward was named Gomillon, and I believe that he was a Mahonese. I do not know that the police took any notice of the beating. I visited the steward before I reported to the commodore, and I suppose I gave him all the particulars, though I do not recollect. The commodore, I found, had been previously made acquainted with the facts. As well as I can recollect there was only one mess in the midshipmen's apartments, though I believe there were two tables. I had heard that Midshipman Bacon has since been lost at sea in one of the vessels of the exploring squadron. Midshipman Robinson was about seventeen or eighteen years of age.

Purser John N. Hambleton, sworn.—[The charges and specifications against the accused were read to the witness.]

I was on board of the Constitution when Mr. Barton was brought on board wounded, and present in the ward-room when Lt. Boerum carried a message to Com. Elliott from Dr. Boyd, that Mr. Barton was very severely wounded, with a request that he might be permitted to remain on board. He said, on his return to the ward-room, that the commodore said he wished to know whether Dr. Boyd made the request as fleet surgeon. Dr. B. replied that he did, both as fleet surgeon and as surgeon of the ship, which message Lieut. Boerum took to the commodore. Lieut. Boerum returned and said he must be taken to the Shark. I saw him frequently at his quarters on shore. When the Constitution left Smyrna, the purser of the Shark left a letter of credit for Mr. Barton to the amount of three months' pay. He left it with Consul Olley. I know nothing more of Mr. Barton's case.

By the Judge Advocate.—I know that Dr. Boyd waited upon Com. Elliott, while on board the Constitution. I saw him go in the cabin. I do not know that Dr. Boyd wrote to the commodore. I know of the presentation of some plate to Com. Elliott by the crew. The subscription list was handed to me to be charged to the subscribers. The sums amounted to about \$650. The money I paid to Capt. Boerum, and took his receipt. I saw this plate after it came

on board, exhibited on the berth deck and in the cabin of the Constitution. [The subscription list was here shown and identified, the heading of which was read by the Judge Advocate. It spoke very flatteringly of the commodore.] The ship was at Lisbon when I received the lists.

I know that canvass, junk, and plank, were purchased at Malta and charged to the Government, but whether those identical articles were used for Com. Elliott's use, I cannot positively swear.

By the Judge Advocate.—I do not of my personal knowledge know that Com. Elliott used the stores of the Government in erecting stalls, &c. I came home in the Constitution. We arrived at Hampton Roads the 31st day of July, with a fresh, fair wind. The crew appeared disappointed at the ship's not going immediately up to Norfolk; they were coming aft in a body, when the officer of the deck stopped them at the gangway; they said they wished to speak to Capt. Boerum, and deputed one of their number to speak to him. Capt. B. went to the commodore, and on his return informed them that they should go up as soon as the pilots could take them. The animals were put on shore. Many of the men employed in the boats returned drunk, noisy, and mutinous, and threatened to get the ship under way themselves, as well as made many threats against the officers. At night they were so riotous that Lieut. Bullus caused pistols to be loaded. About midnight they became quiet. The next day we went to Norfolk, and that part of the crew whose terms had expired were permitted to leave the ship, and did not return. About ninety men, whose times were not out, remained on board.

By the Judge Advocate.—That (pointing to a paper) is a true list of the expiration of the terms of service of the crew. The crew consisted of, officers and men, about 490, at the time I first had the subscription papers. Chaplain Lambert was ordered from and left the Constitution to the Shark in the harbor of Suda, while the Constitution was under way, the wind blowing pretty fresh, near sunset.

By the Judge Advocate.—The ship was standing out of the harbor, and the sea rough at the time of his leaving; it was so rough that I advised the purser of the Shark not to take some stores that I had given him that day.

By the accused.—I was in the ward-room when Mr. Lambert showed me his orders; how long he had had them I don't know; it was before dinner, a little before three o'clock; he did not object to the orders to my knowledge officially; he complained of them as being unusual and unprecedented; I do not know that his objections were communicated to Com. Elliott at that time; I afterwards saw his letter of remonstrance to the commodore, written the day after leaving the ship; I was on deck when Chaplain Lambert left the Constitution; the ship I think was not hove to; I do not recollect what time of day it was when I furnished the purser of the Shark with stores; the weather I think was the same when the chaplain left as it was when I advised the purser of the Shark not to take the stores; the boat had passed back and forth through the day; I do not remember that I transferred, and that a considerable amount of provisions were conveyed to the Shark that day; the crew, when we left Mahon, numbered about 450; the complement was about 44 short; I do not know of my own knowledge of crews or junior officers tendering to commanders tokens of respect; a sword was offered to Lieut. Neville, which he declined; I know no more of the motives of the men in making their present of plate to Com. Elliott than are expressed in the heading of the paper; it was the intention of the crew to present him with a service of plate; whether it could have been bought with the money first raised depends on the extent of the service; I do not know that the crew defined the number of pieces to be purchased; I do not know that the crew directed that

the inscription should be engraved on any particular piece or pieces; I don't recollect to have seen Dr. Boyd writing while Mid. Barton was on board; Capt. Boerum acted as captain of the Constitution, though he never assumed responsibility; generally applied to Com. Elliott in matters of duty; I directed my reports to Capt. Boerum; I made no reports to Com. Elliott; I was directed to make them to Capt. Boerum; the conduct of the crew until reaching Hampton Roads was generally good; I do not know the state of the tide on our anchoring in Hampton Roads; I have been twice in the Mediterranean, and knew Mr. Offley as a polite, gentlemanly man; he was considered a hospitable man.

By the Judge Advocate.—I do not know by whose order the payment was advanced to Midshipman Barton; it was an advance pay; the amount left more than paid what was due him.

The court adjourned to 12 o'clock on Monday.

MONDAY, May 25.—The court met (all its members, the Judge Advocate, and Com. Elliott, present) pursuant to adjournment of Saturday. The proceedings of the last day's sitting were read.

Carpenter Franklin Sagee, sworn.—[So many of the charges and specifications against the accused as it was purposed to examine the witness upon, were read.]

The animals were brought on board at Mahon; the stalls were erected for them a day or two before we left; they were 22 in number; part of them were put amidships; nine were put on the starboard side, extending from gun 1 to 5; in my former examination I said No. 7 gun; one was put under the half deck aft; shortly after sailing from Mahon the animals were removed from amidships and put on the larboard side, extending from the 3d gun to the 9th, aft; one of the animals died on the passage; another was taken in at Gibraltar.

By Judge Advocate.—I received orders from Com. Elliott, two days before we left Mahon, to put up the stalls.

I was sent for several times by the commodore, to consult with about putting up the stalls; I recommended that they be put between the guns, that there was not room amidships for them; they were, however, put amidships, and afterwards removed; the stalls were put up between the gun stanchions, extending from the deck to the beam, cleated at the head and heel, the side boards extending from the stanchions to the ship's side, secured at both ends; the stanchions were secured by nails through their head into the beams; the platforms upon which the animals stood were formed by nailing strips on the decks athwart ship, about two inches high; the planks were laid at right angles across those, all nailed; the stanchions were from an inch and a half to two inches clear of the guns; many of the stanchions were made of two pieces scaffolded together.

By the Judge Advocate.—The stanchions were cleated at head and heel with inch boards, and were cleated to the deck and beam; the stalls were lined with sheep skins; thrum matting and canvass used also; I do not know where they came from; two stalls were left amidship, directly abaft the foremast, and over the galley; all the stalls were secured; ten, twelve, and twenty-penny nails and some few spikes were used in scaffolding; the slings to secure the animals were made of canvass; six guns on the larboard side were encumbered by the stalls, five on the starboard, and two aft; I cannot at this time say what quantity of lumber was used; the order to put the stalls up came from the commodore, which order I reported to the first lieutenant; the lumber was obtained by requisition for the use of the ship; the amount upon the last requisition was for 300 feet, but was altered to 1000 feet after; it went to the commodore; the stalls were broken up at Hampton Roads; a part was thrown overboard, and a part made

into packing boxes to put wine in; the platforms of the stalls was the part thrown overboard; the deck under where the stalls had been was a little discolored, but not at all injured.

I was standing on the gun deck, aft, on our arrival at Hampton Roads, after the animals had been landed. I heard a noise on the berth deck, with cries of murder; Capt. Boerum and I ascended the ladder together; we found four men there, making a great noise, cursing and swearing, and throwing the kids and cans about; Capt. B. seized two of them and took them upon deck, and ordered the other two up. They had been beating the master-at-arms. Again on the spar deck there was a noise forward. The commodore went forward to see what was the matter. His inquiry was answered by some of the men saying, "only hanging the negro."

By the Judge Advocate.—[List marked 30 was here shown the witness, and proved to contain his signature, and to be correct. It was a list of the stores drawn by the carpenter's department for the private use of Com. Elliott.] I was requested by Com. Elliott to give a list of those stores to James Gomillo, which I did at Mahon; can't say at what time this was; other stores since the making of this list have been used and appended to it; the list remained in James Gomillo's possession for some time; none of the articles in the list were ever, to my knowledge, returned by the commodore.

By the accused.—I do not remember whether the order was that I should furnish the list to James Gomillo or to the commodore's steward. Gomillo went to the yeoman for the list before he came to me, but the yeoman refused to give it to him without an order from me. I supposed Gomillo to be the commodore's steward; it was the intention of the commodore to return those articles contained in the list to the carpenter's department; the commodore told me that was his intention at the time; I did not tell the commodore that I had given Gomillo the list, and that he had kept it without handing it over; at the time of making out the list, I did not affix the price or value of those articles; at the time of the court of inquiry, at the request of the commodore, I did; the prices affixed I did not get myself, for I did not know them; Mr. Powell, the master joiner of this yard, furnished me with them. I think I was about a day and a half in putting up the stalls; they were in part put up amidships before they were put up at the sides. *The stalls might all have been removed in fifteen minutes;* they were slightly put up, but sufficiently strong to secure the animals; none of the stalls were fastened to the trucks of the guns; there was room for water to pass freely under and through the stalls, and care was taken to keep them clean; the height of the stalls was from deck to deck, and in depth about the length of a gun carriage; the heads of the animals protruded beyond the stalls; the side boarding extended from the platform to the sides of the animals; there were three boards to each side of all the stalls; some of them more. A part of the lumber used was old and rough planking, but I do not know that it had or had not been condemned at Mahon; the whole of the thousand feet of lumber mentioned in the last requisition, were used upon the stalls; think there were 26 boards used immediately, the rest during the passage. I cannot say what the nails used in fastening the stalls were worth; I kept no account farther than I was ordered. I do not recollect that the matting was made by the men on board out of old rope yarn; both old and new canvass was used, but the greater portion was old. I do not know that Com. Elliott purchased the sheep skins used on the stalls at Malta; sheep were killed on board and their skins used in the stalls. I do not know how soon the color left the decks, but know that they were not at all injured; holy stoning once or twice would have taken all out. I was in the Constellation when she returned

from the Mediterranean, in which was brought one horse; Capt. Read commanded her; we arrived in the United States in 1834; we brought the horse from Tunis. I know of no other instance of our vessels of war bringing home animals.

I do not know what officers had charge of the men engaged in landing the animals at Hampton. I cannot form any estimate of the number of men that returned from the shore, after landing the animals, in a state of intoxication. The boatswain was under the effects of liquor, but whether he was on shore or not I do not know. I do not recollect at this time whether he was or was not so drunk that he could not pipe the hammocks down—he felt the effects of the liquor to a degree. The disorder was owing to the men becoming intoxicated while on shore. I saw no disposition with the crew to resist the authorities of the ship or to take possession of her. I did not see Com. Elliott iron a man. I do not know why, when, nor how Lieut. Bullus left the ship. I was on the quarter-deck when Chaplain Lambert left the Constitution, in the harbor of Suda. It was near sundown when he left, in (I think) the schooner's stern boat, the weather tolerably rough. The fort on our larboard hand was on our quarter—the opposite point was on our starboard bow. I saw the boat as she shoved off—she was pretty well down astern, so much so that there was difficulty in pulling the after oars; I don't know whether the ship was hove to or not on his leaving. I don't recollect of great quantities of provision being sent from the ship to the Shark that day—I took no notice of such a thing.

The court adjourned to ten o'clock Tuesday morning.

From the New York American.

ANTE-DILUVIAN NAVAL ARCHITECTURE.—A book has recently been published in London, by Lieutenant Radford, R. N., seriously recommending the form and dimensions of Noah's ark, as the best model for ocean-steamboats. The author reasons out his case in perfect good faith, apparently convinced himself, if he shall fail to convince others. The ark is described to have been "three hundred cubits in length, fifty in breadth, and thirty in height;" and by some commentators is reckoned to have measured about 81,000 tons. Our modern lieutenant thinks a steam-ark, of about 20,000 tons, and built of iron, would answer for all reasonable purposes of travel.

He thus vindicates, by modern instances, the form of the ark, as not unsuited to navigation:

"As many have expressed their surprise as to the square and oblong shape of the Ark, because it is not customary to see ships in this fashion; nevertheless, the little rush-box, in which the infant Moses floated, and was rescued by Pharaoh's daughter on the waters of the Nile, was after this construction. The vessel, or barque, where Danaë was confined with her child by Acrisius, was of this description. The barques, which the Romans called *Rates*, were of this figure. But we have no occasion to go down to the time of Pharaoh to prove the form and construction of the Ark, when it is borne in mind that this description of vessel is very common in the present day. The large barges that navigate up and down the Seine from Havre, Rouen, &c. to Paris, are many of them of this build. The same may be observed as to the barges that go up and down the Danube from Ulm to Vienna, Pest, Ofen; and down to Galatz in the Black Sea; and, to bring the matter still clearer to the views of our readers, the coal barges on the Thames, which are seen in such shoals about London bridge, are precisely of the same form and build."

It is stated in the British Naval and Military Gazette, that the infantry of the line are to be armed with percussion muskets, the 42d having already received theirs.

WASHINGTON CITY,

THURSDAY, JUNE 4, 1840.

TRIAL AND SENTENCE OF LIEUT. DEAS.—At the time of copying from the official record, the sentence of the Court in the case of Lieut. DEAS, it appeared to us that the punishment was disproportioned to the gravity of the offence with which he was charged; but we did not doubt that the Court had taken into consideration whatever extenuating circumstances might exist to palliate the punishment it felt bound to award. We did not read the specifications of the charges, and therefore did not know whether they referred to a particular occasion or to general deportment. A correspondent enlightens us on this head, and makes known that on *one occasion* only was the charge sustained, leaving the general character of the accused for sobriety unsullied.

Another correspondent points out and corrects an erroneous inference, which might be drawn from our closing paragraph, announcing the sentence in the case of Lieut. C. H. McBLAIR.

We learn from the Baltimore papers, that a Court of Inquiry has been sitting in Baltimore, to investigate accusations made against Major T. W. LENDRUM, Commissary of Subsistence, and Captain S. B. DUSENBERY, Assistant Quartermaster, U. S. A.

The Court, which was composed of Gen. WOOL, Lt. Col. GARLAND, and Paymaster T. P. ANDREWS, has probably adjourned ere this. We were aware of its having been ordered, but as the accusations had their origin in political motives, we did not think it worth while to allude to it.

Having received a copy of the Southern Literary Messenger for April and May, we shall fulfil our promise to copy therefrom at an early day the two articles on Our Navy.

The brig Montagu has been chartered to carry a cargo of provisions to Rio Janeiro, for our squadron on that station, and will sail shortly from Norfolk.

The annual examination of the cadets at the Military Academy, West Point, will commence on Monday next, 8th June.

The name of Gen. WM. H. MARRIOTT, of Maryland, has been added to the list of visitors.

TO CORRESPONDENTS.—"B***," on War and Duelling, and "****," on Telegraphic Science, are on file for early insertion. "H., No. 2," is received.

ARRIVALS AT WASHINGTON.

May 28—Capt. E. Lyon, 3d arty., Gadsby's
Dr. G. R. B. Horner, navy, do.
Lieut. C. H. McBlair, navy, Fuller's
30—Capt. G. C. Hutter, 6th infy., Gadsby's
June 1—Lieut. L. G. Arnold, 2d arty., Fuller's.
Lieut. W. W. Chapman, 5th infy., Georgetown

LETTERS ADVERTISED.

WASHINGTON, June 1, 1840.

ARMY.—Dr. S. R. Arnold, Major S. Churchill, Capt. A. Canfield, Lt. A. H. Dearborn, Capt W. C. De Hart 2, Major Wm. [M.] Graham 2, Col. S. H. Long 4, Dr. T. G. Mower, Major D. Randall, Lt. F. O. Wyse, Lt. S. Woods.

NAVY.—Lt. R. L. Browning, Lt. F. Clinton 2, Passed Mid. J. Contee, Dr. J. M. Foltz, Lt. D. G. Farragut, Commo. E. P. Kennedy, James L. Parker, Capt. J. Percival, Henry Rodgers, Wm. Radford.

NORFOLK, June 1,

NAVY.—Lieut. Hunter; Lieut. Meade; Lieut. W. P. Piercy; Dr. R. W. Leacock; Dr. McLeod 2.

BALTIMORE, June 1.

ARMY.—Lt. J. M. Ketchum, Major W. L. McClin-
tock.

NAVY.—Lieut. George Adams, Wm. L. Blanton, Lt. M. G. L. Claiborne, J. J. B. Walbach 3, Lieut. J. P. Wilson.

PASSENGERS.

CHARLESTON, May 19, per steam packet Wm. Seabrook, from Savannah, Major L. Thomas and Captain J. McClellan, of the army; and Capt. T. Paine, of the navy.

SAVANNAH, May 26, per steamboat Gen. Clinch, from Black creek, Paymaster J. Brown, Capt. A. B. Eaton, and Capt. J. Mackay, of the army.

NEW ORLEANS, May 19, per steamer T. Salmond, from Tampa Bay, Gen. Z. Taylor, lady and family, Dr. R. C. Wood and lady, Paymasters Fraser and Mapes, of the army.

Communications.

TRIAL AND SENTENCE OF LT. DEAS, U. S. N.
To the Editor of the Army and Navy Chronicle.

SIR: In the publication of the sentence against Lieut. DEAS, of the navy, on charges preferred against him, and lately the subject of investigation by a court martial on this station, I think some injustice is done to that individual; without his knowledge or aid, may I take the liberty to advert to it.

It would appear to a casual observer that Mr. DEAS had been found guilty, on the occasion referred to, of *general drunkenness*. I admit, it arises from the peculiar mode of preferring the charge, and framing the specification which is to support it. In a court of justice, and indeed in common justice, it would certainly be both unfair and unjust to brand an individual as a drunkard, because it could be proved that on some *one occasion* he might have committed even a considerable excess in liquor. The charge of "drunkenness" against Mr. DEAS was sustained in the opinion of the Court, by evidence adduced before them, that on a *certain evening* he was intoxicated at a public house. Evidence as to any and every other particular occasion was not only excluded, but availing himself of the general privilege always in the power of the accused, unimpeachable testimony was produced by those well acquainted, and indeed intimate, with Mr. DEAS, that they had never seen him affected by liquor at all. I admit that, in law martial, it has been decided, and as I learn after argument, that a general charge of drunkenness can be established by evidence that the accused on a single occasion specified was drunk. With great respect for that tribunal, I certainly think such a decision at variance with all the principles of legal construction, as it equally is with a just regard to what is due to the general character of the individual arraigned. As on such occasions the charges and specifications are not spread before the world, the simple sentence of the court being published, it is calculated, as on this, to operate unjustly to a greater prejudice to the accused than intended by the court, and to affect injuriously the feelings of relatives and friends, beyond that sympathy which is justly due.

Mr. DEAS's defence, which I had the pleasure to hear him pronounce, referred, and with great force, to the great disadvantages under which he invited a prompt investigation of the charges against him, rather than urge a postponement, under circumstances where it could not with justice have been denied him. All the material witnesses in his behalf were absent, and, as I understand, the court in pronouncing their sentence, have taken just notice of a fact so essential to a full development of all the merits of the defence.

The signature I adopt manifests no desire to conceal the name of the individual who addresses you. Towards the members of the court, I shall not be suspected of the slightest disrespect, and towards the head of the Navy Department my feelings and wishes are well understood. It is my simple object to attempt some little alleviation to the present sufferings of an officer who, I trust, will yet be among the most distinguished in our service. G.

NEW YORK, May 28, 1840.

TRIAL OF LIEUT. C. H. McBLAIR, U. S. N.

The Editor of the Army and Navy Chronicle, in noticing the case of Lieut. McBLAIR, remarks,

It being stated in the newspapers that the circumstances of the case were such as hardly to commend it to the consideration of a court martial, it may be proper to mention that the investigation was made at the earnest request of Lieut. McBlair, himself.

This passage seems to convey the idea that Lieut. McBLAIR himself urged the appointment of a court martial to investigate the circumstances of his difficulty. We have learned from an authentic source the real facts of the case, and here state them for the purpose of removing that impression as far as it is incorrect.

Lieut. McBLAIR, on being suspended from duty, did, indeed, earnestly request an inquiry or investigation into his conduct. This inquiry or investigation might have been conducted in three different ways. The Department was competent itself to investigate the affair and satisfy itself of the truth or falsehood of the allegation made against him, or a court of inquiry consisting of three officers might have been assembled to take cognizance of the case, or the subject might have been, as it finally was, referred to the adjudication of a court martial.

The distinction is very obvious to all, conversant at all with military usages, between an application for a simple inquiry or investigation by the accused party into his conduct, and an application to be tried by a court martial.

It will be readily acknowledged that all men whose characters are suffering under unjust aspersions owe it to themselves, to the society of which they are members, and to the profession to which they belong, to invite or demand, and, if necessary, to insist upon, such an examination as will lead to their exculpation; and it appears from a review of the circumstances of the case of Lieut. McBLAIR, that he has only fulfilled this duty.

MARRIED MEN IN THE ARMY.

MR. EDITOR: I have just finished reading in your paper, the remarks there made in regard to the admission of married men into the army. These remarks excited in me a few reflections which I will hastily transcribe and send to you for the purpose of insertion in the columns of your paper, should you deem them worthy of it.

You say that the question is not, who are eligible to office? but, who are likely to be most efficient? Now, sir, I hold that married men make generally as, if not more, efficient officers than those who are unmarried; and the reason of it is obvious. Besides the motives which an unmarried officer in the army has for the performance of his duties, a married one has

other and very strong ones, while each is as capable as far as mental and bodily qualifications go, of performing those duties as the other. The married man feels that he has a wife and children dependent upon him for support, and it is his duty to endeavor to deserve promotion by excelling in the manner of performing his duties. He feels that in his own character and exertions are involved the happiness and comfort of others, and he thus becomes for his own and for their sakes jealous of that character, as regards honor, efficiency, or whatever else go to form a good one. In fact, in every situation he has equal means and additional motives for becoming a good and efficient officer.

Every one who has studied the human heart, and his own, will have felt that it is the affections and passions alone which prompt us to action and the fulfilment of the high purposes of our lives. What is it that prompts the soldier to the severest exertions in the hour of battle? It is a sense of honor! a love of glory! and he feels that the safety, honor, and prosperity of his country and the domestic happiness of those friends whom he has left behind, are intimately connected with his conduct. If he have a wife and gain honor, what can equal the exquisite pleasure he enjoys when he feels that he has conferred happiness upon that friend of life in whom the best feelings of his heart are centered? If he disgrace himself, he has the rankling and refined remorse of knowing, that, he involves an affectionate wife in misery, and that shame for the conduct of their father shall attend through life the footsteps of his children; added to the loss of personal honor and reputation, and to the curses and sneers of his countrymen. Say what you please, there are not better inducements to the performance of duty, whether in war or in peace, in camp, in garrison, or before the grim "chevaux-de-frise" which the Montreal Courier talks of, than these domestic ties which bind and ennoble the heart. The love of woman has never yet detracted from the love of honor, the eagerness for victory, or the scorn of death; on the contrary, it purifies these feelings, and offers new inducements in every sphere of life for their careful cultivation. When we desire to gain honor and distinction for others as well as for ourselves, the feeling becomes less selfish, and in the estimation of the generous minded men of which the army is principally composed, its claims will be enhanced.

Encourage, then, marriage in the army, and the efficiency with which officers will do their duty, will, in my opinion, never degenerate from what it is now. Instead of making them misanthropes and dissipated men, it will have the contrary effect. It is true that it may be inconvenient for a second lieutenant to marry with his present pay; but it is his duty to marry. He owes it to himself; for to his children must he look for support and for some of the influence which he will exert upon the future character of his country. Officers of the army are well educated men, and the influence they are to exert upon the future destinies of the country, by imparting their intelligence, knowledge and virtue to their children, is not inconsiderable. A wise and liberal policy would not neglect this future good, let it spring from any class of educated citizens whatever, especially in such a government as ours, where individual intelligence and worth bear directly upon our national character. The discouraging of marriage amongst officers does neglect it, and neglect it too through a narrow minded economy which relates only to the present. Not only present but future advantages would result to government by marriage amongst young officers; and so far from discouraging it by the non-admission of married candidates, or reflections by the higher authorities upon the efficiency of those who are already married, or who will hereafter marry, the difficulties which lie in the way should be removed by increase of pay. Why not equalize the pay of the officers of the staff and line, by increasing that of the latter? And why

not admit married candidates, as well as to allow those who are unmarried the privilege of marrying immediately after receiving their appointment?

A SUBSCRIBER.

SOLDIER'S ASYLUM.—No. I.

MR. EDITOR: I am glad to see, at last, that such an institution has begun to excite the attention of those who alone have power to establish it.

The plan proposed by Capt. ANDERSON, and introduced to the notice of Congress, does equal credit to his head and heart; and it is to be hoped it will receive the aid and sanction of the humane and benevolent, in both branches of the National Legislature.

Some such institution is absolutely necessary, for the benefit of the old worn-out soldier, whose most active years have been devoted to the public service; and it would, besides, have the effect to raise, materially, the character of the army, by securing the enlistment of a better class of persons. It is the opinion, also, of many officers, that the number of desertions would be greatly lessened, if not entirely done away, by the creation of such an Asylum.

At present, none but a few of the cast-off of society—the morally degraded and wretched loafers of our larger cities—can be induced to enlist; and even these frequently desert their colors, whenever an opportunity presents. Besides, without some such provision for old age and decrepitude, the contract of service is not a fair one. It is all on one side; and that the Public.

This state of things, it is natural to suppose, would, and we doubt does, deter many good, industrious young men from entering the army. We enlist a man to serve five years; at the expiration of which, if he is worth any thing, he generally re-enlists: and having, meantime, formed an attachment for the service, and acquired habits peculiar to soldiers, but not calculated so well for civil life, he re-enlists; and the second, or third year, is perhaps discharged on surgeon's certificate of disability, and turned off upon the world to beg or starve. And when this very disability is too often acquired in the course of his duties, although not of such a nature as to entitle him to a pension.

Thus, after getting twelve or fifteen years of the best part of his life, and in some cases, even twenty or thirty of them, we discover, at last, that he is fairly worn out in service; and with a broken constitution and palsied limbs, we tell him "he is no longer useful, and must be discharged from the army." Long and faithful, and it may be distinguished, services are plead in vain; the law is *absolute*, and must be obeyed.

Thus situated, the old soldier seeks, amongst strangers, a precarious living. But without friends, or money, or even sympathy from the crowd—paralyzed by disease, or decrepitude, and unable to work, he too frequently sinks, in misery, to the grave of some Poor House, and is buried at the expense of the town; amidst a people who are alike ignorant of his real character and of his true merits.

With such facts as these, and I assure you the picture is not exaggerated, for I have known many such cases, is it strange that we do not get a better and higher class of persons to enlist in the army; or that many who do enlist, with such a prospect before them, make a mere convenience of the service; and avail themselves of the very first good opportunity to run away?

I shall never forget the hard case of "old Tommy Miller," of the 6th, which will serve as a striking illustration of this subject, and which I propose to give you in my next.

H.

A VISIT TO SAM JONES'S CAMP. PART V.

Apart from his stolidity on many military points, I found much to admire in Sam Jones. He was a good judge of human nature, and I regard his estima-

tion of character as orthodox. It was just after breakfast, on the third day, that he addressed himself to me thus:

"If I did not think we had been most foully dealt with on sundry occasions, I should reproach myself for the affair of Caloosahatchee, not so much on account of the victims who fell there as the subsequent injustice done to decidedly the best, bravest, and most gallant officer I have ever had the honor to associate with in war or in peace. A mail or two that I have ordered to be captured has informed me of an outcry about him. I regret this; being acquainted with the circumstances, I do not think the colonel was censurable, and I am confounded at the ingratitude of your people, who, taking no notice of the services of your officers, are apathetic in success, but perfect fanatics—genuine lightning—when they find aught to condemn. Col. Harney did what no other officer could have done, and which in doing risked his life; it hung on the zephyr of *my* breath. He effected a direct communication with me and with my people, and nothing but his manful steadiness and lion-like deportment saved him *then*. This fact is lost on his fellow citizens. I was a little honest at first, and think I might have been content to have knocked the flints from our war rifles, had I supposed I would have been suffered to remain in the country; but cupidity prevailed, and as my people found it cheaper to buy goods with lead than deer skins, they resolved to take the store. The colonel had charge of the *whole concern*; a *sergeant*, of his *dragoons*; no sentinel was posted, and that I say was not his fault. The sergeant was acting as a captain, and before the war I know that it was not customary for colonels to go every night to examine whether non-commissioned officers, whom they had confided in, had done their duty or not. Before I was a general, when I was a plain fisherman at Fort King, I know it was the duty of the corporal of the guard, and not of a field officer, to post sentinels. Has the regulation been changed since? The colonel, as it were, had charge of a large district; the sergeant (*acting captain*) had charge of a smaller one. Do the commanders of your big districts go about every night to see if the sentinels are posted in the little ones? I despise such unfairness as in this case. The brave colonel is decried because he was unfortunate. It was known that his duties would prevent him from being constantly with his dragoons. Why then was not an officer sent with him? One could most certainly have been better spared then than at any other time since 1835, for hostilities were suspended throughout the country, and Caloosahatchee was the only place where the presence of an officer was imperiously necessary. Had Harney's men routed us, we never should have heard a syllable about no sentinel; but his men were slaughtered or put to flight, and *of course* he was to blame. I wish Harney had been killed, for he is a white man; but I *will* do justice to a brave man, whether he be white, black, red, or straw-colored. But even in this affair, unfortunate as it was, the colonel was found still undaunted. With few men, and fewer rifles, he returned to the spot, beset with danger, and, prompted by humanity, made search for sufferers, in hopes he might relieve some poor, wounded soldier. Brave as I know your officers to be, this was an act they might refrain from imitating. I know not what you call it in English, but in Seminole it is termed *the rashness of humanity*. Well may the soldier rely on such a man, who will penetrate through so many dangers to stand his friend in need. Colonel Harney is not the man to sit in council and *deliberate* on plans for campaigns. He is the man to act. Let some one make the watch; he will be the mainspring to keep it moving—going, if at all out of the way, a little too fast; if he is rash, it is but the prompting of a generous heart, and no man is perfect. Col. Harney has undergone fatigue—broken himself down—proved his zeal and his courage; still he was unfortu-

nate, and the one little item of not posting a sentinel, so utterly foreign to the duties of a field officer, obscures all. A gnat flies athwart the sun and darkens the earth. I do not allow such acts of injustice to be done among my people; and with us misfortune is never disgrace. On the contrary, we join like a band of brothers and strive to prevent our warriors from being disheartened; and though we give no brevets for a man merely doing his duty, we studiously avoid plucking laurels from the brow where gallantry planted them; and in conclusion, my friend, I will tell you the great secret of the popularity of the two greatest men living—Andrew Jackson and myself—we are not fearful of responsibility. Our shoulders are broad, and we would rather censure should fall on our shoulders than on those of our subordinates."

At this moment the General's lady placed before us a tray containing bitter-sweet oranges, and our conversation turned on Florida fruits.

JUNIUS.

Proceedings of Congress, IN RELATION TO THE ARMY, NAVY, &c.

IN SENATE.

MONDAY, APRIL 6, 1840.

Mr. BROWN presented the memorial of William T. Winn, administrator of Timothy Winn, late purser in the navy, praying compensation for extra services; which was referred to the Committee on Naval Affairs.

Mr. NICHOLAS presented resolutions passed by the General Assembly of the State of Louisiana, instructing the Senators, and requesting the representatives, of said State in Congress, to use their exertions to procure the establishment of a military post or garrison near Alexandria, in the parish of Rapides, in that State; which was referred to the Committee on Military Affairs, and ordered to be printed.

The resolution submitted by Mr. TALLMADGE on Friday last, in relation to the court martial in the case of Lieut. Whitney, was disagreed to—ayes 16, noes 21.

The bill to authorize the President of the U. S. to raise 1,500 men, to serve against the Florida Indians, after some remarks from Messrs. BENTON, PIERCE, LINN, and PRESTON, was ordered to be engrossed for a third reading.

TUESDAY, APRIL 7.

Mr. HUBBARD, from the Committee on Claims, to which was referred House bill for the relief of Capt. John Downes, reported the same without amendment.

THURSDAY, APRIL 9.

The CHAIR submitted a report from the Secretary of War, in compliance with a resolution of the Senate, relative to the application of a mineral solution to the preservation of timber, called "Kyanizing;" which was laid on the table, and ordered to be printed.

The bill to authorize the President of the U. S. to raise 1,500 men, to serve against the Florida Indians, was, on motion of Mr. PIERCE, recommitted to the Committee on Military Affairs.

Mr. BENTON presented the memorial of the officers of the corps of engineers, opposed to the bill to regulate the pay and allowances of the officers of the line and staff of the army, and praying that the same may not become a law; which was referred to the Committee on Military Affairs.

FRIDAY, APRIL 10.
FRONTIER DEFENCES.

Mr. NORVELL presented a preamble and joint resolutions of the Legislature of Michigan, concerning the military protection of the frontier of that State. While up, he would take the occasion to express his profound surprise at the opinion expressed by General Scott, in the communication lately made by him to the War Department, in relation to the British military preparations on the northern frontier—that he regarded all forts and barracks built on that frontier as of little or no military value to either of the parties, in the event of a new

war between the United States and Great Britain. He declares that from Cornwall, which is on the St. Lawrence, along the whole frontier line of Upper Canada, extending, as it does, several hundred miles all the way up to Lake Superior, such structures are of no military value. Uninformed as he was in military science, he must nevertheless say that the "fixed opinion" of the gallant General was at war with all the notions which he had derived from history or observation upon such subjects. He had been in the habit of regarding the military attainments, courage, and skill of that distinguished officer, with great respect; but it was certain that his views did not correspond with the opinions of the people along the whole line of northern frontier. They did think military works of great importance, both to accommodate the troops, and to defend the country. They could not see how such works could be dispensed with on one side, when they had been constructed, and were in a course of construction, on the other side. He did not believe with the General, that the British military preparations at any point were made, and making, solely to protect the neighborhood "from refugee incendiaries from our side." With the views which he entertained upon this subject, he must be permitted to ask the special attention of the Military Committee to the works already existing, as well as those required for our defence, on that frontier. And he would move the reference of the resolutions, together with a letter from the Governor of Michigan, to that Committee, and further that they should be printed for the use of the Senate.

The reference and printing were ordered.

Mr. HUBBARD, from the Committee on Claims, to which was referred the House bill for the relief of W. Bailey, survivor of Bailey and De Lord, made an adverse report thereon; which was ordered to be printed.

Mr. PIERCE, from the Committee on Military Affairs, reported back to the Senate the memorial from certain officers of the engineer corps, remonstrating against the passage of the bill for the equalization of the pay and allowances of the officers of the line and staff of the army, and moved that it be printed; which was agreed to.

Mr. P. also, from the Committee on Military Affairs, to which was recommitted the bill authorizing the President to raise 1,500 men to serve in the Florida war, reported the same with an amendment, (to strike out "marine corps" wherever it occurred in the bill;) which was agreed to; and the bill was ordered to be engrossed for a third reading; read a third time and passed.

HOUSE OF REPRESENTATIVES.

MONDAY, APRIL 6, 1840.

The SPEAKER laid before the House a communication from the Navy Department, covering copies of the correspondence heretofore called for in relation to the light-house on Flynn's knoll, &c.; referred to the Committee on Commerce.

Mr. RARIDEN asked the House at this time to take up and consider a resolution heretofore offered by him, calling on the War Department for certain information in relation to the officers of the army employed in paying Indian annuities, &c.

Mr. BANKS objected.

Mr. LEWIS WILLIAMS (remarking that the resolution was a very important one) asked the yeas and nays; which were ordered, and, being taken, were—yeas 71, nays 79.

So the rules were not suspended.

TUESDAY, APRIL 7.

The SPEAKER laid before the House a message from the President of the U. S., accompanied by a report from the Secretary of War, with "copies of the arrangement entered into between the Governor of Maine and Sir John Harvey, Lieutenant Governor of New Brunswick, through the mediation of Major General Scott, in the month of March last, 1839, together with copies of the instructions given to General Scott, and of all correspondence with him relating to the subject of controversy between the State of Maine and the Province of New Brunswick."

On motion of Mr. CLIFFORD, it was referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. REED, from the Committee on Foreign Affairs, made some remarks in relation to a memorial from numerous seamen, praying Congress to legislate for their relief, which had been referred to that committee. He said it was a subject which properly belonged to the Committee on Commerce. On his motion, the Committee on Foreign Affairs was discharged from its further consideration, and it was referred to the Committee on Commerce.

Mr. HAND asked the indulgence of the House to allow him to offer a resolution calling on the Secretary of War for his plan for the permanent defence of the Northern and Northeastern frontier. Mr. H. said his colleague [Mr. FILLMORE,] yesterday offered a resolution of inquiry of the President, but that, as to the defences on our side, he believed embraced only the present "preparations" of our Government. He had also been informed that the Military Committee here sent an inquiry to the Secretary, but that was rather confined to estimates of expenses. Now, Mr. H. desired to see the general plan of the Secretary for our permanent defence. He believed that as to the Western frontier, one had been already submitted, and he was informed that one had been matured for the Northern and Northeastern. That, he desired, should be communicated to this House, and through it to the nation, that action could be had understandingly, and in any manner that might be thought judicious.

Mr. H. then offered the following resolution, which was read:

Resolved, That the Secretary of War be requested to communicate to this House what works he considers necessary to be constructed in order to place the northern and northeastern frontiers in a proper and permanent state of defence.

Mr. THOMPSON, of South Carolina, was understood to object to the resolution.

Mr. WISE said he yesterday offered a resolution, which he thought no gentleman would have objected to, calling on the Secretary of War to give to the House a connected system of defences for all our exposed territory. That resolution, however, was not considered. Now, he apprehended, that if we should go to war with Great Britain for the sake of this Aroostook country, that that would not be the point attacked. No; the great point of attack would be the seaboard cities. New York would be struck and laid under contribution; so, also, would New Orleans, Philadelphia, and Boston; and he might be permitted to say, that with his knowledge of our present means of defence, one single steam frigate, with her gun amidships, would sink the great ship Pennsylvania with one shot, and that three such steam ships would be sufficient to lay any of our seaboard cities under contribution. It would require 11,000 guns to man our fortifications, and we had not, he believed, 1,100. He was for calling on the Secretary of War for a plan for the defence of the whole country, and not for a single portion of it.

Mr. HAND then moved for a suspension of the rules, to enable him to offer his resolution. He did not see how the gentleman from Virginia could have any objection to the introduction of the resolution, as it would be open to amendment.

The question was then taken on suspending the rules, and decided in the affirmative—yeas 98, noes 42.

Mr. HAND then submitted his resolution, which was read; but before taking the question on which, however,

A message was received from the Senate by Mr. DICKINS, their Secretary, announcing the death of the Hon. THADDEUS BETTS, late a Senator from Connecticut.

After passing the usual resolutions, the House adjourned.

FRIDAY, APRIL 10.

The SPEAKER laid before the House a communication from the Secretary of War, enclosing a communication from the Commissioner of Indian Affairs, giving information in relation to the assemblage of Indians on the northeastern frontier, and the countenance the British had given them; made in compliance with a resolution

of the House of the 9th ultimo. On motion of Mr. CUSHING, referred to the Committee on Foreign Relations.

Also, laid before the House a communication from the Navy Department, in compliance with a resolution of the 23d ultimo, giving a statement of all the sums of money which have been invested in State Stocks. On motion of Mr. ADAMS, laid on the table, and ordered to be printed.

MONDAY, APRIL 13.

Mr. LINCOLN presented resolves of the Legislature of the Commonwealth of Massachusetts, declaring the sense of the Legislature, that the people of that Commonwealth have just cause of complaint on account of the treatment, by the General Government, in withholding the payment of the claims for militia disbursements and expenses incurred by the State in the late war with Great Britain, after the same had been examined and allowed by the officer duly appointed to make such examination; and further declaring, that the course pursued by Congress in this matter toward Massachusetts, is a manifest violation of justice, and that she would not be true to herself if she would consent to remain contented and silent, while she is deprived of her acknowledged rights. Mr. L. moved the printing of the resolves, and their reference to the Committee on Military Affairs, which was ordered accordingly.

Domestic Intelligence.

FLORIDA WAR.

From the Savannah Georgian, May 27.

MORE INDIAN MURDERS.—We learn from a passenger in the steamer General Clinch, Capt. Brooks, from Black creek, that on Saturday forenoon, between 9 and 10 o'clock, Mr. Forbes's Theatrical Company, with some others, were on their way from Picolata to St. Augustine, and within 5 or 6 miles of the latter place, (the party occupying two wagons,) when the wagon in the rear was attacked by a party of Indians, and Mr. C. Vose killed. Two others are missing, supposed to be a part of Mr. Forbes' company. Mr. F. it seems, was in the front wagon with the ladies of the party, who escaped and reached St. Augustine in safety. It is supposed that the Indians conceived the wagons to be a military escort. We congratulate the estimable Mr. Forbes on his escape.

Mr. Vose was formerly of Jersey City, (N. J.) and for two or three years of Brunswick, Glynn co.

We will probably receive full particulars by the *Isis*.

MORE LIVES SACRIFICED.—We have received by the same conveyance, from an esteemed correspondent, the following sad intelligence:—

[From a correspondent.]

BLACK CREEK, E. F., May 23, 1840.

To the Editor of the Savannah Georgian:

SIR: The express has just arrived, and brings the following sad intelligence.

Extract from the Report.

"Lieut. Martin, 2d infantry, left Micanopy on the morning of the 19th, with three men from his post, Wakahosta, after proceeding about four miles he was fired upon by Indians. He received three balls, one through the lower part of the abdomen, one through the arm, and one in his hand—one of his men and all the horses killed—the other two missing. Lieut. Sanderson, 7th infantry, with a party of seventeen men, was sent in pursuit; he fell in with the Indians, and he and five of his men were killed.

"Yesterday morning an express from Wakahosta to Micanopy, reported the post surrounded by Indians. Colonel Riley with his command has gone in pursuit. It was his command that picked up Lieut. Sanderson and his men. There was supposed to be about 50 Indians. It is supposed that Lieut. Martin will recover. Lieut. Sanderson had his fingers cut off and stuck in his mouth."

We are also indebted to one of our citizens for the following extract of a letter, dated

"BLACK CREEK, May 23.—We have no news here worth relating, only that a party of Indians on the 19th inst. fired on a detachment of nineteen men, killing Lieut. Sanderson and five men. Lieut. Martin mortally wounded and two men missing. This affair took place near Micanopy."

From the St. Augustine News, May 22.

FROM THE SOUTH.—The steamer W. Gaston, Capt. Poinsett, arrived from the South on Wednesday last. By her we learn that a party of Indians, on an island near Cape Sable, attacked the boats of Captain McLAUGHLIN, while reconnoitring. There was a good deal of firing, but no lives lost. An expedition of 45 sailors and soldiers, started from Fort Lauderdale to examine the country. They proceeded into a part of the *Paihaiokee*, suffering greatly from want of water—but found no Indians. One of the bloodhounds which accompanied died from fatigue.

There was a heavy blow experienced South during the last week, prostrating trees and doing other violence.

Lieut. McLAUGHLIN, in command of the naval forces operating South against the enemy, has gone to Pensacola. Lieut. McL. is in bad health.

Lieut. Col. W. S. HARNEY, 2d dragoons, arrived here on Wednesday last in the steamer Wm. Gaston, from the South. His residence in Cuba, whither he has been for some months in consequence of impaired health, has been signally beneficial; and the gallant Colonel looks as fresh and vigorous, as on his first arrival in Florida. He will assume his regimental duties.

It affords us great pleasure to announce, that Capt. RAINS, 7th infantry, lately so severely wounded in his gallant action with Indians, is still alive, and that hopes are entertained of his recovery.

From the Key West South Floridian.

A CARD.—The undersigned return their thanks to Lieut. SHERMAN, of the U. S. Army, stationed at Cape Florida, for the prompt and efficient aid he recently tendered to the sloop New York. She had sustained considerable damage from a squall off Soldier Key, and put into Key Biscayne, with the loss of mainboom, &c., and Lieut. SHERMAN's liberal and gentlemanly conduct enabled her commander to obtain every thing he desired for her repair.

J. WALTER, *Captain.*

R. W. CUSSANS, *Passenger.*

From the St. Augustine News, May 22.

LIEUT. W. K. HANSON.—The following is the correspondence between the Committee and Lt. W. K. Hanson, 7th infantry, on the presentation of the sword.

ST. AUGUSTINE, April 16, 1840.

SIR: The citizens of St. Augustine, at a meeting convened for the purpose of consulting on the most appropriate mode of conveying to you the expression of their admiration and thanks for your meritorious conduct at Fort Mellon on the 3d August, 1839, in capturing 46 Indians—a portion of them actors in the late treacherous massacre of your fellow soldiers at the Caloosahatchee—resolved to present you with a sword, which would, at the same time, commemorate your activeness and their gratitude.

The undersigned were appointed a committee to carry this resolution into effect, and they have now the pleasure to forward to you the sword, which, if circumstances had permitted, they would have felt still greater pleasure in delivering into your own hands.

The committee avail themselves of this opportunity to express to you, individually, the high sense they entertain of the promptitude and energy displayed by you on the occasion, and their best wishes for

your happiness and continued usefulness to your country.

We are, sir, very respectfully, your ob't serv'ts,

CHAS. BYRNE, WM. H. SIMMONS.

B. A. PUTNAM, K. B. GIBBS.

J. M. HERNANDEZ,

LT. W. K. HANSON, U. S. A.

FORT No. 2., (E. F.) 9th May, 1840.

GENTLEMEN: I have the honor to acknowledge the receipt of your communication of the 16th ultimo, with the accompanying sword, yesterday received. In expressing through you to the citizens of St. Augustine my thanks for this handsome testimonial of their approbation, I cannot but feel that their kindness has attached undue importance to the act for which it has been bestowed. In detaining the Seminole Indians at Fort Mellon, I simply did that which must have been done, under similar circumstances, by any officer of ordinary discretion: I saved my command by anticipating the blow which was impending for its destruction. And for this cause, I think, the citizens of St. Augustine have done me too much honor in thus commending me for an act, to which, by every consideration of duty, I was imperatively enjoined.

As regards the imputation of violating the white flag, under whose protection the Indians were then visiting me, I have but to say, that they were using its folds as a mask for the deepest treachery, and I could not hold myself bound to respect its sanctity when prostituted to so unholy a purpose. The violation of the flag was by the *Indians*, in thus foully abusing its protection. Their faithless disregard for that protection had just then been fearfully instanced in the massacre of our troops on the Caloosahatchee, and I was most unwilling, that through any supineness of mine, the shores of the St. Johns should give back an echo to the horrors there enacted.

The resolutions of the citizens of St. Augustine, of which this handsome sword is the result, reached me at a time when I was yet uncertain whether my conduct would receive the official sanction of my superiors. Those decided and generous proofs of approbation, given to me at such a moment, by a community to each and all of whom I was personally unknown, must ever be to me a source of proud and grateful remembrance.

Accept, gentlemen, my thanks for the flattering manner in which you have conveyed the sentiments of those you represent.

Very respectfully,

W. K. HANSON, *Lieut. U. S. A.*

TO MESSRS. CHAS. BYRNE, BENJ. A. PUTNAM, JOS. M. HERNANDEZ, W. H. SIMMONS, K. B. GIBBS.

SURROUNDING THE ENEMY.—In the destruction of Indians the other day, during a scout by Captain Holmes, 7th infantry, an instance of coolness and bravery occurred, exhibiting the material of our own service, and the indomitable courage of the Indian. Capt. Holmes had secreted a portion of his company in such a place as it was probable the enemy might pass, and proceeded onward with the rest of his command, in order to hunt them up. The ambushed party had not lain long in their hiding place, when a few Indians were seen approaching, unconscious of their near proximity to the white man. On nearing more closely, the anxiety of a recruit being most intense, was with difficulty restrained from breaking upon the enemy, and probably defeating the great object in view. At this moment, a deer sprang from its covert, and passing within a few feet of his gun the temptation was too great, and the recruit fired. Alarmed by the report, the enemy ran, and the sergeant with his command mounted their horses and gave pursuit. The sergeant soon overtook a large and very athletic Indian, and dismounting, deliberately levelled his gun within a few feet of his breast, and pulled the trigger. The gun missed fire; and the red skin now levelled

his rifle, and lo! the flint refused its duty. Dashing his musket to the earth, the sergeant sprang to grapple his enemy, but was felled by the clubbed end of his rifle. Rising, he used the breech of his gun with good effect; but was repeatedly felled by the greater strength of his foe. Victory hanging now in a doubtful posture, he managed while his head was receiving a succession of tremendous blows, to "fix his bayonet," and made a charge upon the Herculean Seminole. Doubt was at an end, the warrior took to his heels, and sought a tree. There dodging a direct thrust of the instrument, he managed to hold the anger of the sergeant at bay, until the balance of the command came up; who disposed to see a "fair fight" formed a circle around the combatants. All hope was now cut off; and with a desperate valor he fought; the sergeant thrusting his bayonet through him, and laying him dead at his feet.—*St. Augustine News.*

NEW ORLEANS, May 20.—The U. S. steamer *Salmond* has arrived at Pensacola, from Tampa Bay, having on board Gen. Taylor and his family. The *Gazette* says Gen. T. is in very bad health, and has been relieved from the command of the army by Gen. Armistead. General Taylor is on his way to New Orleans, where he will ascend the Mississippi. We hear nothing new by this arrival from the seat of war. Indeed nothing new is to be looked for. The renown of a soldier and a soldier's grave are alike denied to those who serve in this unhappy war; but scarcely a boat or vessel has touched here for years past from any part of the peninsula, that did not bring numbers with health destroyed and constitution broken by the diseases of the climate. There are few men, of any rank, who have devoted themselves to the great objects of the war, with an assiduity like that of the veteran Taylor, and the utter hopelessness of the war cannot be better illustrated than by reference to the fact, that even he, with all his energy and his eminent talents for command, has done nothing. The Seminoles have already made good the boast of Ocoola, and are now in condition to hold out, not only five years, but forever.—*Commercial Bulletin.*

A letter from Capt. Bell to the War Department, dated St. Louis Arsenal, 19th May, states that the perpetrators of the burning of the laboratory at that place have been discovered and taken into custody—their names being Augustus Grafe and Owen Sharkey, carriage makers. It appears they procured matches from the guard-room, shavings from the carpenters' shops, and, proceeding deliberately to work under cover of the night, applied the shavings between the weatherboarding of the building, fired them by the matches, jumped over the wall and escaped.—*Globe.*

From the New York Journal of Commerce.

THE MILITIA.—The Legislature have relieved us from the abomination of military court-martial for the collection of fines, and have reduced the fines one half, and made room for their reduction to one quarter of the former amount. The system would have been more completely modified, according to the views of the Adjutant General as stated by us some time ago, had not the other provisions been supposed to require a two-thirds vote. As it is, we are under many obligations to the Adjutant General and the Legislature, for so great a deliverance—as has been effected. The following is the bill:

AN ACT RELATIVE TO MILITIA FINES.

Passed May 14, 1840.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Every non-commissioned officer, musician and private in this State, except such as are or hereafter

may be attached to uniform companies, shall, on due conviction be subject to the following fines: for non-appearance when duly warned or summoned at a company parade, a fine not exceeding one dollar; at a Regimental or Battalion parade or rendezvous of officers, not less than one, nor more than two dollars; and at a place of rendezvous when called into actual service a sum not exceeding twelve months' pay, nor less than one month's pay.

§ 2. All laws conflicting or interfering with this act are hereby repealed.

§ 3. This act shall take effect immediately.

It was a good thought to station the ship of the line *Delaware* at the naval anchorage. On the score of ornament alone, she is to the stream what the navy hospital is to its banks—a grand monument of architectural skill. Now every traveller who touches our port, must pass almost within reach of a ship of the largest class in first rate order, and ready at a few hours' notice to spread her giant wings for the sea. There is good policy in keeping a ship of the first class ready for sea. The *Columbus* at Boston, the *North Carolina* at New York, and the *Delaware* at our port, all in repair and ready for sea as they are, would enable the government to concentrate a formidable squadron at any point in a short space of time. But, we confess, these noble ships, although it is their province to plough the deep, are nevertheless fulfilling a very valuable purpose, where they are, which is none other than the drilling of landmen for the sea, and, especially, as naval schools. They certainly are the most imposing colleges we have seen. It is impossible for the young apprentice to tread the deck of such vessels without feeling an inspiration for the sea, and for the flag that is floating above him.—*Norfolk Beacon.*

THE EXPLORING EXPEDITION.—We have already stated that the exploring squadron sailed from Sydney, New South Wales, Dec. 26. A letter to Messrs. Topliff, from an officer who had left the squadron on account of ill health, dated Sydney, Feb. 12, states that the squadron would probably be at New Zealand about April 1, whence it would proceed to the Sandwich islands, touching at the Fejees, previous to visiting Columbia river. All the naturalists were left at Sydney, with orders to join the squadron at New Zealand, and sailed Feb. 9th for the Bay of Islands. The squadron was received at Sydney with the greatest kindness, and the feeling, both of the authorities and the people, was friendly in the extreme.—*Boston Daily Advertiser.*

SUDDEN DEATH.—Lt. Col. Lyster, of the Grenadier Guards, was found dying in his bed, on the morning of the 1st May, at the *Globe Hotel*, Quebec. Before the medical gentlemen sent for could arrive, life was utterly extinct. Lt. Col. Lyster had arrived the day before, in command of the battalion, and rode at its head from the wharf to the citadel. Although very weak he was able, on alighting at the hotel, to transact some regimental business.

The 11th regiment is shortly to leave Canada for England. It will be replaced by the 56th, recently arrived at Halifax from the West Indies.—*New York Commercial Advertiser.*

Sir Robert Seppings, the distinguished naval architect of England, from whose models many of the English vessels have of late years been constructed, died at Taunton, England, on the 25th ult., aged 72 years. His improvements in ship-building were numerous and important, and his exertions on several occasions were honored with the marked approval of both Houses of Parliament. The Royal Society and the Royal Society of Arts both awarded him their gold medals; and several foreign diplomas were from time to time conferred upon him.

From the Preston (Eng.) Pilot.

SCREW PILE LIGHT-HOUSE.—We lately visited this picturesque structure, and minutely examined its various parts. The plan appears to combine extreme lightness with the greatest possible strength, being iron-bound and angle-braced in every direction, and, from the originality of its design, and correctness of its execution, reflects the highest credit on its projectors, the Messrs. Mitchell. It stands about two miles from the shore, upon the tail of a bank of shifting sand, which great disadvantage has been surmounted by covering it to some distance round the building with a tenacious clay, mixed with stone and gravel. The foundation is formed of seven strong iron piles, forced thirteen feet in the ground by means of screws, three feet in diameter, attached to their lower extremity, the bank gradually consolidating to that depth. In these piles seven massy spars are firmly secured, which rise above the surface of the bank forty-six feet, and on which the base of the house is strongly framed. By the above arrangement, though the tide frequently rises here to the height of thirty feet, yet during the heaviest swell the house is unaffected by it, the waves passing freely underneath. Of this a convincing proof was given during the storms of last January, the building being then far advanced, but without the braces, which form an essential part of the plan. The house is now completed, with the exception of the lighting apparatus, and contains two good apartments, with the light room, store-rooms, &c.; it has also a broad balcony round the building, and a second surrounding the lantern, from whence an extensive view is had of the ocean and adjacent shores. A great experiment has thus been successfully made, and a point of the utmost importance to navigation set at rest for ever, viz. the practicability of placing light-houses on sand banks in the ocean, which to shipping are not less dangerous than sunken rocks. The ease with which such buildings may be placed on submarine banks still more exposed, may be inferred from the circumstance, that the Wyre light-house was commenced late in November last, and carried on without interruption during the severe weather of the last winter. That the coasts of this kingdom will in time become studded with such lights we confidently anticipate, which conclusion forces itself upon us from a consideration of the superior advantages they will possess over floating lights; among these may be enumerated a more powerful light, free from all motion, the certainty of not being set adrift, which in many instances has proved most disastrous, and a diminished annual expense of at least one-half. Our opinion thus expressed is strengthened by the circumstance, that the elder brethren of the Trinity House entertained so favorable an opinion of the plan, that they engaged the Messrs. Mitchell some time since to place a similar screw foundation on the Maplin Sands, (a bank at the entrance of the Thames,) and where we hope soon to hear of a light being exhibited. We cannot conclude this brief notice without expressing a cordial wish that the Messrs. Mitchell may reap a rich harvest from their admirable invention, in which, we understand, they are protected by a patent.

MARRIAGE.

In Washington, on the 25th ult., by the Rev. Dr. BATES, Chaplain to Congress, General RICHARD DUNLAP, of Texas, to MARIA LOUISA, daughter of the late TIMOTHY WINN, Esq., Purser U. S. navy.

DEATH.

In Philadelphia, on the 29th ult., after a severe illness of several months, Lieut. JOHN WEEMS, of the U. S. navy.

Military Intelligence.

A Board of medical officers, composed of Surgeons Mower and Heiskell, and Asst. Sur. Day, ordered to assemble at Pittsburgh, Pa., on the 15th July, for duty connected with the selection of a site for the marine hospital to be erected on the upper Ohio.

General Staff.—Major L. Thomas has resumed his duties in the Adjutant General's office.

1st Artillery.—Lieut. J. L. Donaldson, relieved from general recruiting service, and ordered to join his company at Hancock Barracks; Lieut. M. J. Burke succeeds him at Boston.

2d Artillery.—Col. Bankhead has resumed the command of the regiment. Lt. Col. Crane has received a short leave of absence.

2d Infantry.—Lieut. J. M. Clendenin, stationed at Cumberland, Md., on general recruiting service.

6th Infantry.—Lieut. S. Woods succeeds Capt. J. Page, 4th infantry, on general recruiting service, at Frederick, Md.

7th Infantry.—Lieut. G. R. Paul has relieved Lieut. R. H. Ross on recruiting service at Albany, Schenectady and Poughkeepsie, N. Y.—Albany being the principal station. Leave granted to Lieut. Ross, 4 months, at the expiration of which he will join his regiment.

Naval Intelligence.

U. S. VESSELS OF WAR REPORTED.

EXPLORING EXPEDITION.—Ships Vincennes and Peacock, brig Porpoise, and schooner Flying Fish, sailed from Sydney, New South Wales, on the 26th Dec., on a cruise to the southward.

The following is a list of the officers attached to the several vessels composing the squadron, at the last dates received:—Sydney, N. S. W., Dec. 26, 1839.

SHIP VINCENNES.—Lieut. com'g the expedition, CHAS. WILKES. Lieuts. Overton Carr, James Alden, Augustus L. Case, Joseph A. Underwood. Surgeon Edward Gilchrist. Purser R. R. Waldron. Chaplain J. L. Elliott. Acting Master Edwin J. De Haven. Second Master Samuel R. Knox. Asst. Surgeons John L. Fox, John S. Whittle. Passed Midshipmen Simon F. Blunt, Geo. Colvocoressis. Pilot Benjamin Vanderford. Midshipmen Samuel B. Elliott, Egbert Thompson, Wilkes Henry. Captain's clerk James R. Howison. Boatswain William Smith. Gunner John G. Williamson. Carpenter Amos Chick. Sailmaker Samuel V. Hawkins. Master's Mate John W. Dyes.

Scientific Corps.* (left on shore, to join at New Zealand,) Charles Pickering, Joseph P. Couthouy, Joseph Drayton, Wm. D. Breckenridge, John G. Brown.

* William Rich, Botanist, was at Sydney, on the 5th Feb., 1840.

SHIP PEACOCK.—Lieut. Com'g WM. L. HUDSON. Lieutenants Wm. M. Walker, Geo. F. Emmons, Oliver H. Perry, Thomas A. Budd. Asst Surgeons James C. Palmer, Charles B. Guillou. Purser Wm. Speiden. Acting Master Augustus S. Baldwin. Passed Midshipmen James B. Lewis, Henry Eld, Alonzo B. Davis, Wm. Reynolds. Midshipmen Wm. H. Hudson, James L. Blair, Geo. W. Hamersley, Geo. W. Clarke. Boatswain Thomas G. Bell. Carpenter Jonas Dibble. Gunner Thomas Lewis. Sailmaker Isaac D. Freeman. Master's Mate Andrew M. Cissney. Captain's clerk Frederick D. Stuart.

BRIG PORPOISE.—Lieut. Com'g CADWALADER RINGGOLD. Lieuts. Robert E. Johnson, Wm. Lewis Maury, James H. North. Asst Surgeon Silas Holmes. Act'g master Geo. M. Totten. Passed Midshipman Joseph P. Sanford. Captain's clerk Thos. W. Waldron. Boatswain John A. Frost. Master's Mate William H. Morse.

SCHOONER FLYING FISH.—Lieut. Com'g ROBERT F. PINKNEY. Acting Master Geo. T. Sinclair. P. Midshipmen William May, Geo. W. Harrison.

BRAZIL SQUADRON.—Schr. Enterprise, Lieut. Comd't. Ellery, at Pernambuco, May 3, bound to Rio Janeiro.

WEST INDIA SQUADRON.—Ship Ontario, Comm'r. J. D. Williamson, off Key West, May 18.

ARMY.**OFFICIAL.**

GENERAL } HEAD QUARTERS OF THE ARMY,
ORDERS, } ADJUTANT GENERAL'S OFFICE,
No. 26. } Washington, May 27, 1840.

The following Regulations have been received from the War Department, and are published for the guidance of all concerned:

DETAIL REGULATIONS

FOR

THE CORPS OF TOPOGRAPHICAL ENGINEERS.

1...The Bureau of the Corps of Topographical Engineers at Washington, will be the depository of all maps, charts, plans, drawings, records, books, instruments, appertaining to, and resulting from, the labors of the corps. All reports, returns, and communications from officers of the corps, and others on duty with it, will be made to the officer in charge of the Bureau, through whom all orders to officers of the corps, and others on the duties of the corps will pass.

2...When officers of the corps are assigned to any military department, fort, garrison or post, to troops, or an army in the field, as field engineers, in conformity with Article 2d, of the Regulations promulgated in General Orders No. 15, a duplicate of their orders will be sent to the commanding officer thereof, to whom the officers of the corps will apply for assistants, or for an escort, if either be necessary. They will carry into effect the orders of the commanding officer in reference to their duties, in which are included those of selecting sites for encampments. And when in the performance of his duty, an officer of the corps shall be accompanied by an escort, the escort shall move by such routes and at such times as shall be designated by the officer for whose aid and protection the escort has been detailed, whether the officer commanding the escort be superior or inferior in rank.

3...Officers not so assigned, but on special service under the immediate orders of the Bureau, will not be diverted from such service except in cases of public exigency; and when so diverted, the officer of the corps will immediately report the same to the Bureau, transmitting a copy of the orders he may have received.

4...When officers of the corps in the execution of a specific duty shall be quartered with a military command, and are not placed specially under the orders of the commanding officer, they will, nevertheless, be considered entitled to all the courtesies and rights of their rank.

5...Topographical information collected by officers of the corps shall not be made public without the sanction of the War Department, and then it shall be done under the supervision of the Bureau of Topographical Engineers.

6...When surveys are required by the Bureau of the Corps of Engineers for purposes of fortifications and permanent military defences, application will be made by that Bureau to the War Department, which application, if approved, will be referred to the Bureau of Topographical Engineers to be carried into effect.

J. R. POINSETT.

WAR DEPARTMENT, May 22, 1840.

BY ORDER OF ALEXANDER MACOMB,

Major-General-Commanding-in-Chief:

EDMUND SCHRIVER, Ass't Adj't Gen.

MILITARY AND NAVAL ORNAMENTS.

B. DELAPIERRE, Importer and Manufacturer of Military and Naval Ornaments, and embroiderer in gold and silver, 90 Fulton street, New York, begs leave to tender his services to the Officers of the Army and Navy, in the line of his profession. Epauettes, and other ornaments, are there to be had of the best kind, and most substantial workmanship.

B. D. has imported from the most celebrated military clothing establishments in London, a small lot of the identical blue Silk Velvet, used in the British service for the corps of Topographical Engineers, a sample of which is deposited in the clothing bureau at Washington, and has been approved of by the chief of the corps.

May 21—tf

NAVY.**NAVAL GENERAL ORDER.**

THE PRESIDENT OF THE UNITED STATES, believing that greater formality in the infliction of such corporal punishments as are authorized by law may be adopted in the navy with beneficial consequences, directs, that no such punishment shall be inflicted on any person in the service without sentence of a court martial, when that is required by law, or the written order of the captain or commanding officer of the vessel, or commandant of the navy yard to which he is attached, where the authority to cause it to be inflicted rests in the discretion of the commanding officer, specifying the offence, or offences, and the extent of the punishment to be inflicted; which order shall be read, and the punishment inflicted in presence of the officers and seamen belonging to the vessel or navy yard.

All such orders for punishment shall be entered on the log-book, and a quarterly return made to the Secretary of the Navy, stating the names of the persons punished, their offences, and the extent of punishment inflicted, together with such explanations or remarks as the commanding officer may deem necessary to a proper understanding of the case.

The President also directs that the law authorizing the enlistment of seamen and others for the naval service, as it may be in operation at the time of enlistment, shall be printed on the back of the shipping articles, and read to each person desirous to enter previous to his signing them, in order that he may know precisely the engagements and obligations he is about to contract.

J. K. PAULDING.

NAVY DEPARTMENT, May 29, 1840.

ORDERS.

May 25—Acting Mid. C. Waddell, rec'g ship, Boston.

26—Lt. F. Varnum, command of brig Boxer.

Lt. J. A. Davis, detached from special service under Capt. Perry.

27—Lieut. R. W. Meade, steamer Fulton.

28—Mid. W. M. Caldwell, rec'g ship, New York.

P. Mid. J. C. Williamson, Rendezvous, do.

29—Surgeon S. W. Ruff, relieved from order to ship Levant.

30—Mid. A. Murray, rec'g ship, New York.

MARINE CORPS.

May 4—Leave of absence to Capt. A. N. Brevoort, extended for 60 days.

19—Capt. T. S. English, ordered to report at New York for duty.

ARMY, NAVY, AND MARINE UNIFORMS.

JOHN SMITH, (late of West Point,) would respectfully inform the officers of the army and navy, that he is now enabled to furnish to the different corps their uniform complete, all made of the best materials, and forwarded with despatch.

To prevent errors, the Legislature of New York has authorized him to change his name to JOHN S. FRASER; therefore all letters hereafter will be addressed to JOHN S. FRASER,

March 5—tf

168 Pearl street, New York

PERIODICALS.

THOMAS R. HAMPTON, of the 3d Auditor's Office, is Agent for the Knickerbocker, Lady's Book, Lady's Companion, New World, Audubon's Birds of America, American Repertory, Longacre's National Portrait Gallery, Democratic Review, Medico-Chirurgical Review, Boston Medical and Surgical Journal, besides nearly every other Medical, Literary, and Religious periodical extant. Orders addressed to him, post paid, will meet prompt attention.

Jan. 30.—tf

JOHN M. DAVIES & JONES,

SUCCESSORS TO LUKE DAVIES & SON,

102 WILLIAM STREET, NEW YORK,

Manufacturers of the established CAPS for the Army and Navy.

ALSO,

Stocks, Shirts, Linen Collars, Suspenders, &c. &c. &c.

Aug. 1—1y